



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/672,828

Filing Date: September 26, 2003

Applicant: Fred C. Porter

Group Art Unit: 3681

Examiner: Tisha D. Lewis

Title: ON-DEMAND ALL-WHEEL DRIVE SYSTEM

Attorney Docket: 6978-000225/COB

Director of The United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**STATEMENT OF COMMON OWNERSHIP OF PRIOR ART CITATION AND
INVENTION TO DISQUALIFY PRIOR ART UNDER 35 U.S.C. § 103(c)**

35 U.S.C. § 103 Condition for Patentability; Non-Obvious Subject Matter.

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

In the "Guidelines Setting Forth a Modified Policy Concerning the Evidence of Common Ownership, or an Obligation of Assignment to the Same Person, as Required

by 35 U.S.C. 103(c)" [OG: December 26, 2000, pages 96-97] the following is stated to be the policy on what evidence is needed to establish common ownership, or an obligation to the same person: "Applications and references (whether patents, patent applications, patent application publications, etc.) will be considered by the Examiner to be owned by, or subject to an obligation of assignment to the same person, at the time the invention was made, if the Applicant(s) or an attorney or agent of record makes a statement to the effect that the application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person.

"This policy is being changed in order to simplify the examination and processing of requests for the exclusion of prior art under 35 U.S.C. 103(c). The Applicant(s) or the representative(s) of record have the best knowledge of the ownership of their application(s) and reference(s), and their statement of such is sufficient evidence because of their paramount obligation of candor and good faith to the USPTO." See also *MPEP, § 706.02(l)(2), 8th Edition.*

1. The above identified application and the citation U.S. Patent No. 6,378,682 to inventors Sankar K. Mohan, Timothy M. Burns, and Fred C. Porter and assigned to New Venture Gear, Inc. were, at the time the invention of this application was made, owned by the same entity: New Venture Gear, Inc.

2. In addition, Applicant submits the following evidence of common ownership:

Assignment of the present application is of record in prior Application No. 10/083,941 (now U.S. Patent No. 6,626,787). The Assignment is to New Venture Gear, Inc. and is recorded at Reel 012780, Frame 0617. Assignment of U.S. Patent No. 6,378,682 is also to New Venture Gear, Inc. and is recorded at Reel 011896, Frame 0848.

Respectfully submitted,

Dated: June 2, 2004

By: Ryan W. Massey
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/672,828

Filing Date

September 26, 2003

First Named Inventor

Porter

Art Unit

3681

Examiner Name

Tisha D. Lewis

Attorney Docket Number

6978-000225/COB

ENCLOSURES (check all that apply)

Fee Transmittal Form

Drawing(s)

After Allowance Communication to Technology Center (TC)

Fee Attached

Licensing-related Papers

Appeal Communication to Board of Appeals and Interferences

Amendment / Reply

Petition

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

After Final

Petition to Convert to a Provisional Application

Proprietary Information

Affidavits/declaration(s)

Power of Attorney, Revocation Change of Correspondence Address

Status Letter

Extension of Time Request

Terminal Disclaimer

Other Enclosure(s) (please identify below):

Express Abandonment Request

Request for Refund

Statement of Common Ownership; return receipt postcard

Information Disclosure Statement

CD, Number of CD(s) _____

Certified Copy of Priority Document(s)

Remarks

Response to Missing Parts/ Incomplete Application

Response to Missing Parts under 37 CFR 1.52 or 1.53

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Harness, Dickey & Pierce, P.L.C.

Attorney Name
Ryan W. Massey

Reg. No.
38,543

Signature

Date

June 2, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature

Date

June 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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